

1851
534. m 15
2

RULES and ARTICLES

For the Better

GOVERNMENT

OF HIS

MAJESTY'S

Horse and Foot Guards,

And all Other His

FORCES

IN

Great Britain and Ireland,

Dominions beyond the Seas,

AND

FOREIGN PARTS.

Anno 1749.

Note, *The Alterations in the Articles of War for the Year 1749. (as contained in the Paper delivered in to the House) are printed together at the End. And each of those Alterations is also pointed out in the Articles themselves, here printed; all such Words as were before inserted, and are now left out, being printed in the Margin; and such Words, as were not formerly inserted, but are now added, being printed in Black Letter.*

GEORGE R.

RULES and ARTICLES

*For the better Government of Our Horse
and Foot Guards, and all other Our
Forces in Our Kingdoms of Great Bri-
tain and Ireland, Dominions beyond the
Seas, and Foreign Parts.*

SECTION I.

Divine Worship.

ARTICLE I.

ALL Officers and Soldiers, not having just Impediment, shall diligently frequent Divine Service and Sermon, in the Places appointed for the assembling of the Regiment, Troop, or Company, to which they belong. Such as wilfully absent themselves, or, being present, behave indecently or irreverently, shall, if Commissioned Officers, be brought before a Court-martial, there to be publicly and severely reprimanded by the President; if Non-commissioned Officers, or private Soldiers, every Person so offending shall, for his First Offence, forfeit Twelve Pence, to be deducted out of his next Pay;

A 2

for

for the Second Offence, he shall not only forfeit Twelve Pence, but be laid in Irons for Twelve Hours; and, for every like Offence, shall suffer and pay in like Manner: Which Money, so forfeited, shall be applied to the Use of the sick Soldiers of the Troop or Company, to which the Offender belongs.

A R T I C L E II.

Whatsoever Officer or Soldier shall use any unlawful Oath or Execration, shall incur the Penalty expressed in the First Article.

A R T I C L E III.

Whatsoever Officer or Soldier shall presume to speak against any known Article of the Christian Faith, shall be delivered over to the Civil Magistrate, to be proceeded against according to Law.

A R T I C L E IV.

Whatsoever Officer or Soldier shall profane any Place dedicated to Divine Worship, or shall offer Violence to a Chaplain of the Army, or to any other Minister of God's Word; he shall be liable to such Penalty, or corporal Punishment, as shall be inflicted on him by a Court-martial.

A R T I C L E V.

No Chaplain, who is commissioned to a Regiment, Company, Troop, or Garrison, shall absent himself from the said Regiment, Company, Troop, or Garrison (excepting in case of Sickness, or Leave of Absence) upon Pain of being brought to a Court-martial, and punished as their Judgement, and the Circumstances of his Offence, may require.

A R T I C L E VI.

Whatever Chaplain to a Regiment, Troop, or Garrison, shall be guilty of Drunkenness, or of other scandalous or vicious Behaviour, derogating from the Sacred Character with which he is invested, shall, upon due Proofs before a Court-martial, be discharged from his said Office.

(5)

S E C T. II.

Mutiny.

A R T I C L E I.

WHATSOEVER Officer or Soldier shall presume to use traitorous or disrespectful Words against the Sacred Person of His Majesty, His Royal Highness the Prince of *Wales*, or any of the Royal Family ; if a Commissioned Officer, he shall be cashiered ; if a Non-commissioned Officer, or Soldier, he shall suffer such Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

A R T I C L E II.

Any Officer or Soldier who shall behave himself with Contempt or Disrespect towards the General, or other Commander in Chief of Our Forces, or shall speak Words tending to his Hurt or Dishonour, shall be punished, according to the Nature of his Offence, by the Judgement of a Court-martial.

A R T I C L E III.

Any Officer or Soldier, who shall excite, cause, or join in, any Mutiny or Sedition in the Troop, Company, or Regiment, to which he belongs, or in any other Troop or Company in Our Service, or on any Party, Post, Detachment, or Guard, on any Pretence whatsoever, shall suffer Death, upon Conviction before a Court-martial.

A R T I C L E IV.

Any Officer, Non-commissioned Officer, or Soldier, who, being present at any Mutiny or Sedition, does not use his utmost Endeavours to suppress the same, or who, hearing Words tending to Mutiny and Sedition, does not, without Delay, give Information thereof to his Commanding Officer, ought to be reputed accessory to the Mutiny, and to be punished by a Court-martial with Death, or otherwise, according to the Nature of the Offence.

A R T I C L E V.

Any Officer or Soldier, who shall strike his superior Officer, or draw, or offer to draw, or shall lift up any Weapon, or offer any Violence, against him, being in the Execution of his Office, on any Pretence whatsoever, or shall disobey * any lawful * Orders. Command

B

Command of his superior Officer, shall suffer Death, or such other Punishment, as shall, according to the Nature of his Offence, be inflicted upon him by the Sentence of a Court-martial.

S E C T. III.

Of Inlisting Soldiers.

A R T I C L E I.

EVERY Non-commissioned Officer or Soldier, who shall enlist himself in Our Service, shall, at the Time of his so inlisting, or within Four Days afterwards, have the Articles against Mutiny and Desertion read to him ; and shall, by the Officer who enlisted him, or by the Commanding Officer of the Troop or Company into which he was enlisted, be taken before the next Justice of the Peace or Chief Magistrate of any City or Town Corporate (not being an Officer of the Army) or in Foreign Parts, where Recourse cannot be had to the Civil Magistrate, before the Judge Advocate ; and, in his Presence, shall take the following Oath :

I Swear to be true to our Sovereign Lord King GEORGE, and to serve Him honestly and faithfully, in Defence of His Person, Crown, and Dignity, against all His Enemies or Opposers whatsoever : And to observe and obey His Majesty's Orders, and the Orders of the Generals and Officers set over me by His Majesty.

Which Justice or Magistrate is to give to the Officer a Certificate, signifying that the Man enlisted did take the said Oath, and that the Articles of War were read to him, according to Act of Parliament.

A R T I C L E II.

After a Non-commissioned Officer or Soldier shall have been duly enlisted, and sworn, no Discharge granted to him shall be allowed of as sufficient, which is not signed by a Field Officer of the Regiment into which he was enlisted ; or Commanding Officer, where no Field Officer of the Regiment is in Great Britain.

S E C T. IV.

Musters.

A R T I C L E I.

EVERY Officer commanding a Regiment, Troop, or Company, shall, upon due Notice given to him by the Commissary of the Musters, or from one of his Deputies, assemble the Regiment, Troop, or Company, under his Command, in the next convenient Place, for their being mustered.

A R T I C L E II.

Every Colonel, or other Field Officer, commanding the Regiment or Troop, and actually residing with it, may give Furloughs to Non-commissioned Officers and Soldiers, in such Numbers, and for so long a Time, as he shall judge to be most consistent with the Good of Our Service; but no Non-commissioned Officer or Soldier shall, by Leave of his Captain, or inferior Officer commanding the Troop or Company (his Field Officer not being present) be absent above Twenty Days in Six Months, nor more than Two private Men be absent at the same Time from their Troop or Company, excepting some extraordinary Occasion should require it, of which Occasion the Field Officer present with, and commanding the Regiment, is to be the Judge.

A R T I C L E III.

At every Muster the Commanding Officer of each Regiment, Troop, or Company, there present, shall give to the Commissary Certificates signed by himself, signifying how long such Officers who shall not appear at the said Muster, have been absent, and the Reason of their Absence; in like Manner the Commanding Officer of every Troop or Company shall give Certificates, signifying the Reasons of the Absence of the Non-commissioned Officers and private Soldiers; which Reasons, and Time of Absence, shall be inserted in the Muster-rolls opposite to the Names of the respective absent Officers and Soldiers: The said Certificates shall, together with the Muster-rolls, be remitted to Our Commissary's Office within Twenty Days after such Muster being taken; on the Failure thereof, the Commissary so offending shall be discharged from Our Service.

A R T I-

A R T I C L E IV.

Every Officer who shall be convicted before a General Court-martial, of having signed a false Certificate, relating to the Absence of either Officer or private Soldier, shall be cashiered.

A R T I C L E V.

Every Officer who shall knowingly make a false Muster of Man or Horse, and every Officer or Commissary who shall wittingly sign, direct, or allow the Signing of the Muster-rolls, wherein such false Muster is contained, shall, upon Proof made thereof by Two Witnesses before a General Court-martial, be cashiered, and suffer such other Penalty as by the Act of Parliament is for that Purpose inflicted.

A R T I C L E VI.

Any Commissary who shall be convicted of having taken Money, by way of Gratification, on the mustering any Regiment, Troop, or Company, or on the Signing the Muster-rolls, shall be displaced from his Office, and suffer such other Penalty as by the Act of Parliament is inflicted.

A R T I C L E VII.

Any Officer who shall presume to muster any Person as a Soldier, who is at other Times accustomed to wear a Livery, or who does not actually do his Duty as a Soldier, shall be deemed guilty of having made a false Muster, and shall suffer accordingly.

S E C T. V.

Returns.

A R T I C L E I.

EVERY Officer who shall knowingly make a false Return to Us, to the Commander in Chief of Our Forces, or to any his superior Officer, authorized to call for such Returns, of the State of the Regiment, Troop, or Company, or Garrison, under his Command, or of Arms, Ammunition, Cloathing, or other Stores thereunto belonging, shall, by a Court-martial, be cashiered.

A R T I-

A R T I C L E II.

The Commanding Officer of every Regiment, Troop, or Independent Company, or Garrison, in *South Britain*, shall, in the Beginning of every Month, remit to the Commander in Chief of Our Forces, and to Our Secretary at War, an exact Return of the State of the Regiment, Troop, Independent Company, or Garrison, under his Command, specifying the Names of the Officers not then residing at their Posts, and the Reason for, and Time of their Absence : Whoever shall be convicted of having, through Neglect or Design, omitted the sending such Returns, shall be punished according to the Nature of his Crime, by the Judgement of a General Court-martial.

A R T I C L E III.

Returns shall be made in like manner of the State of Our Forces in Our Kingdom of *Ireland*, to the Chief Governor or Governors thereof ; as likewise of Our Forces in *North Britain*, to the Officer there commanding in Chief ; which Returns shall, from time to time, be remitted to Us, as it shall be best for Our Service.

A R T I C L E IV.

It is Our Pleasure, that exact Returns of the State of Our Garrisons at *Gibraltar* and *Port Mahon*, and of Our Regiments, Garrisons, and Independent Companies in *America*, be by their respective Governors or Commanders there residing, by all convenient Opportunities, remitted to Our Secretary at War, for their being laid before Us.

S E C T. VI.

Desertion.

A R T I C L E I.

ALL Officers and Soldiers, who having received Pay, or having been duly enlisted in Our Service, shall be convicted of having deserted the same, shall suffer Death.

A R T I C L E II.

Any Non-commissioned Officer or Soldier, who shall, without Leave from his Commanding Officer, absent himself from his
C Troop

Troop or Company, or from any Detachment with which he shall be commanded, shall, upon being convicted thereof, be deemed as a Deserter, and be punished according to the Nature of his Offence at the Discretion of a Court-martial.

ARTICLE III.

No Non-commissioned Officer or Soldier shall enlist himself in any other Regiment, Troop, or Company, without a regular Discharge from the Regiment, Troop, or Company, in which he last served, on the Penalty of being reputed a Deserter, and suffering accordingly. And in case any Officer shall knowingly receive and entertain such Non-commissioned Officer or Soldier, or shall not, after his being discovered to be a Deserter, immediately confine him, and give Notice thereof to the Corps in which he last served, he the said Officer so offending shall by a Court-martial be cashiered.

ARTICLE IV.

Whatever Officer or Soldier shall be convicted of having advised or persuaded any other Officer or Soldier to desert Our Service, shall suffer such Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

SECT. VII.

Quarrels, and sending Challenges.

ARTICLE I.

* Of Imprisonment.

NO Officer or Soldier shall use any reproachful or provoking Speeches or Gestures to another, upon Pain, * if an Officer, of being put in Arrest, if a Soldier imprisoned; and of asking Pardon of the Party offended, in the Presence of his Commanding Officer.

ARTICLE II.

† Promote a Quarrel or
‡ The

No Officer or Soldier shall presume to send a Challenge to any other Officer or Soldier, to † fight a Duel, upon ‡ Pain, if a Commissioned Officer, of being cashiered; if a Non-commissioned Officer, or Soldier, of suffering corporal Punishment, at the Discretion of a Court-martial.

ARTICLE

A R T I C L E III.

If any Commissioned, or Non-commissioned Officer, commanding a Guard, shall willingly and knowingly suffer any Person whatsoever to go forth to fight a Duel, he shall be punished as a Challenger. And likewise all Seconds, ~~Promoters~~, and Carriers of Challenges, in order to Duels, shall be deemed as Principals, and be punished accordingly.

A R T I C L E IV.

All Officers, of what Condition soever, have Power to part and quell all Quarrels, Frays, and Disorders, though the Persons concerned should belong to another Regiment, Troop, or Company; and either to order Officers into Arrest, or Non-commissioned Officers or Soldiers to Prison, till their proper superior Officers shall be acquainted therewith; and whosoever shall refuse to obey such Officer (though of an inferior Rank) or shall draw his Sword upon him, shall be punished at the Discretion of a General Court-martial.

A R T I C L E V.

Whatsoever Officer or Soldier shall upbraid another for refusing a Challenge, shall himself be punished as a Challenger; and We hereby acquit and discharge all Officers and Soldiers of any Disgrace or Opinion of Disadvantage, which might arise from their having refused to accept of Challenges, as they will have only acted in Obedience to Our Orders, and done their Duty as good Soldiers, who subject themselves to Discipline.

S E C T. VIII.

Suttling.

A R T I C L E I.

NO Suttler shall be permitted to sell any Kinds of Liquors or Victuals, or to keep their Houses or Shops open, for the Entertainment of Soldiers, after Nine at Night, or before the Beating of the Reveilles, or upon *Sundays*, during Divine Service or Sermon, on the Penalty of being dismissed from all future Suttling.

A R T I C L E

A R T I C L E II.

All Officers, Soldiers, and Suttlers, shall have full Liberty to bring into any of Our Forts or Garrisons, any Quantity or Species of Provisions, eatable or drinkable.

A R T I C L E III.

All Governors, Lieutenant Governors, and Officers commanding in our Forts, Barracks, or Garrisons, are hereby required to see that the Persons permitted to futtle, shall supply the Soldiers with good and wholesome Provisions at the Market Price, as they shall be answerable to Us for their Neglect.

A R T I C L E IV.

No Governors, or Officers, commanding in any of Our Garrisons, Forts, or Barracks, shall either themselves exact exorbitant Prices for Houses or Stalls lett out to Suttlers, or shall connive at the like Exaction in others; nor by their own Authority, and for their private Advantage, shall they lay any Duty or Imposition upon, nor be interested in, the Sale of such Victuals, Liquors, or other Necessaries of Life, which are brought into the Garrison, Fort, or Barrack, for the Use of the Soldiers, on the Penalty of being discharged from Our Service.

S E C T. IX.

Quarters.

A R T I C L E I.

NO Officers shall demand Billets for quartering more than his effective Men; nor shall he quarter any Women or Children in the Houses assigned for the Quartering of Officers or Soldiers, without the Consent of the Owners, nor shall he take Money for the freeing of Landlords from the Quartering of Officers or Soldiers; if a Commissioned Officer so offending, he shall be cashiered; if a Non-commissioned Officer, he shall be reduced to a private Centinel, and suffer such corporal Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

A R T I C L E

A R T I C L E II.

Every Officer commanding a Regiment, Troop, or Company, or Party, whether in settled Quarters or upon a March, shall take care that his own Quarters, as also the Quarters of every Officer and Soldier under his Command, be regularly cleared at the End of every Week, according to the Rules specified by the Act of Parliament now in Force; but in case any such Regiment, Troop, or Company, or Party, be ordered to march before Money may be come to the Hands of the Commanding Officer aforesaid, he is hereby required to see that the Accounts, with all Persons who shall have Money due to them for the Quartering of Officers and Soldiers, be exactly stated; and he is to sign a Certificate for each Landlord, specifying what Sum is then justly due to him, as likewise the Regiment, Troop, or Company, to which the Officers and Soldiers so indebted to him belong, and is by the first Opportunity to remit Duplicates of the said Certificates to Our Paymaster General: Any Commanding Officer who shall refuse or neglect the making up such Accounts, and the certifying the same as is above directed, shall be cashiered.

A R T I C L E III.

The Commanding Officer of every Regiment, Troop, or Company, or Detachment, shall, upon their first coming to any City, Town, or Village, where they are to remain in Quarters, cause publick Proclamation to be made, signifying, That if the Landlords or other Inhabitants suffer the Non-commissioned Officers or Soldiers to contract Debts beyond what their daily Subsistence will answer, that such Debts will not be discharged; he the said Commanding Officer shall, for refusing or neglecting so to do, be suspended for Three Months; during which Time his whole Pay shall be applied to the discharging such Debts as shall have been contracted by the Non-commissioned Officers or Soldiers under his Command, beyond the Amount of their daily Subsistence: If there be any Overplus remaining, it may be returned to him.

A R T I C L E IV.

If after publick Proclamation be made, the Inhabitants shall notwithstanding suffer the Non-commissioned Officers and Soldiers to contract Debts beyond what the Money issued out, or to be issued out, for their daily Subsistence will answer, it will be at their own Peril, the Officers not being obliged to discharge the said Debts.

D

A R T I C L E

A R T I C L E V.

Every Officer commanding in Quarters, Garrisons, or on a March, shall keep good Order, and to the utmost of his Power redress all such Abuses or Disorders which may be committed by any Officer or Soldier under his Command ; if, upon Complaint made to him of Officers or Soldiers beating or otherwise ill-treating of their Landlords, or of extorting more from them than they are obliged to furnish by Law, of disturbing Fairs or Markets, or of committing any kind of Riots, to the disquieting of Our People ; he the said Commander, who shall refuse or omit to see Justice done on the Offender or Offenders, and Reparation made to the Party or Parties injured, as far as Part of the Offender's Pay shall enable him or them, shall, upon Proof thereof, be punished by a General Court-martial, as if he himself had committed the Crimes or Disorders complained of.

S E C T. X.

Carriages.

THE Commanding Officer of every Regiment, Troop, Company, or Detachment, which shall be ordered to march, is to apply to the proper Magistrates for the necessary Carriages ; and is to pay for them as is directed by Act of Parliament ; taking care himself not to abuse, nor to suffer any Persons under his Command to beat or abuse the Waggoners, or other Persons attending such Carriages, nor to suffer more than Twenty hundred Weight to be loaded on any Wain or Waggon so furnished, or in Proportion on Carts or Carrs ; nor to permit Soldiers (except such as are Sick or Lame) or Women, to ride upon the said Carriages : Whatever Officer shall offend herein, or, in case of Failure of Money, shall refuse to grant Certificates specifying the Sums due for the Use of such Carriages, and the Name of the Regiment, Troop, or Company, in whose Service they were employed, shall be cashiered, or be otherwise punished, according to the Degree of his Offence, by a General Court-martial.

S E C T.

S E C T. XI.

Of Crimes punishable by Law.

A R T I C L E I.

W Henever any Officer or Soldier shall be accused of a capital Crime, or of having used Violence, or committed any Offence against the Persons or Property of Our Subjects, such as is punishable by the known Laws of the Land, the Commanding Officer and Officers of every Regiment, Troop, or Party, to which the Person or Persons so accused shall belong, are hereby required, upon Application duly made by or in Behalf of the Party or Parties injured, to use their utmost Endeavours to deliver over such accused Person or Persons to the Civil Magistrate, and likewise to be aiding and assisting to the Officers of Justice, in apprehending and securing the Person or Persons so accused, in order to bring him or them to a Trial. If any Commanding Officer or Officers shall wilfully neglect, or shall refuse, upon the Application aforesaid, to deliver over such accused Person or Persons to the Civil Magistrate, or to be aiding to the Officers of Justice in apprehending such Person or Persons, the Officer or Officers so offending shall be cashiered.

A R T I C L E II.

No Officer shall protect any Person from his Creditors, on the Pretence of his being a Soldier; nor any Non-commissioned Officer or Soldier, who does not actually do all Duties as such; and no further than is allowed by the present Act of Parliament, and according to the true Intent and Meaning of the said Act: Any Officer offending herein, being convicted thereof before a Court-martial, shall be cashiered.

S E C T. XII.

Of Redressing Wrongs.

A R T I C L E I.

I F any Officer shall think himself to be wronged by his Colonel, or the Commanding Officer of the Regiment, and shall, upon due Application made to him, be refused to be redressed,
he

he may complain to the General or Commander in Chief of Our Forces, in order to obtain Justice; who is hereby required to examine into the said Complaint, and, either by himself, or by Our Secretary at War, to make his Report to Us thereupon, in order to receive Our farther Directions.

A R T I C L E II.

If any inferior Officer or Soldier shall think himself wronged by his Captain, or other Officer commanding the Troop or Company to which he belongs, he is to complain thereof to the Commanding Officer of the Regiment; who is hereby required to summon a Regimental Court-martial, for the doing Justice to the Complainant; from which Regimental Court-martial either Party may, if he thinks himself still aggrieved, appeal to a General Court-martial; but if, upon a Second Hearing, the Appeal shall appear to be vexatious and groundless, the Person so appealing shall be punished at the Discretion of the said General Court-martial.

S E C T. XIII.

Of Stores, Ammunition, &c.

A R T I C L E I.

WHATSOEVER Commissioned Officer, Storekeeper, or Commissary, shall be convicted, at a General Court-martial, of having sold (without a proper Order for that Purpose) embezzled, misapplied, or wilfully, or through Neglect, suffered any of Our Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be spoiled or damaged, the said Officer, Storekeeper, or Commissary, so offending, shall, at his own Charge, make good the Loss or Damage, and be dismissed from Our Service, and suffer such other Penalty, as by the Act of Parliament is inflicted.

A R T I C L E II.

Whatsoever Non-commissioned Officer or Soldier shall be convicted, at a Regimental Court-martial, of having sold, or designedly, or through Neglect, wasted the Ammunition delivered out to him, to be employed in Our Service, shall, if a Non-commissioned Officer, be reduced to a private Centinel, and shall besides suffer corporal Punishment, in the same Manner as a private Centinel so offending, at the Discretion of a Regimental Court-martial.

A R T I C L E

ARTICLE III.

Every Non-commissioned Officer or Soldier, who shall be convicted, at a Court-martial, of having sold or lost, or spoiled through his Neglect, his Horse, Arms, Clothes, or Accoutrements, shall undergo such Weekly Stoppages (not exceeding the Half of his Pay) as a Court-martial shall judge sufficient for repairing the Loss or Damage, and shall suffer Imprisonment, or such other corporal Punishment, as his Crime shall deserve.

ARTICLE IV.

Every Captain of a Troop or Company is charged with the Arms, Ammunition, Accoutrements, Clothing, or other warlike Stores, belonging to the Troop or Company under his Command, which he is to be accountable for to his Colonel, in case of their being lost, spoiled, or damaged, not by unavoidable Accidents, or an actual Service.

SECT. XIV.

Of Duties in Quarters, in Garrison, or in the Field.

ARTICLE I.

ALL Non-commissioned Officers and Soldiers, who shall be found One Mile from their Camp, without Leave in Writing from their Commanding Officer, shall suffer such Punishment as shall be inflicted upon them by the Sentence of a Court-martial.

ARTICLE II.

No Officer or Soldier shall lie out of his Quarters, Garrison, or Camp, without Leave from his superior Officer, upon the Penalty of being punished, according to the Nature of his Offence, by the Sentence of a Court-martial.

ARTICLE III.

Every Non-commissioned Officer and Soldier shall retire to his Quarters or Tent at the Beating of the Retreat; in Default of which, he shall be punished, according to the Nature of his Offence, by the Commanding Officer.

ARTICLE IV.

No Officer, Non-commissioned Officer, or Soldier, shall fail of repairing, at the Time fixed, to the Place of Parade, of Exercise, or other Rendezvous appointed by his Commanding Officer, if not prevented by Sickness, or some other evident Necessity,

E

or

or shall go from the said Place of Rendezvous, or from his Guard, without Leave from his Commanding Officer, before he shall be regularly dismissed or relieved, on the Penalty of being punished according to the Nature of his Offence, by the Sentence of a Court-martial.

ARTICLE V.

Whatever Commissioned Officer shall be found drunk on his Guard, Party, or other Duty, under Arms, shall be cashiered for it; any Non-commissioned Officer or Soldier so offending, shall suffer such corporal Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

ARTICLE VI.

Whatever Centinel shall be found sleeping upon his Post, or shall leave it before he shall be regularly relieved, shall suffer Death, or such other Punishment as shall be inflicted by the Sentence of a Court-martial.

ARTICLE VII.

No Soldier belonging to any of Our Troops or Regiments of Horse or Foot Guards, or to any other Regiment of Horse, Foot, or Dragoons in Our Service, shall hire another to do his Duty for him, or be excused from Duty, but in case of Sickness, Disability, or Leave of Absence; and every such Soldier found guilty of hiring his Duty, as also the Party so hired to do another's Duty, shall be punished at the next Regimental Court-martial.

ARTICLE VIII.

And every Non-commissioned Officer conniving at such hiring of Duty as aforesaid, shall be reduced for it; and every Commissioned Officer, knowing and allowing of such ill Practices in Our Service, shall be punished by the Judgement of a General Court-martial.

ARTICLE IX.

Any Officer or Soldier, who shall, by discharging of Fire Arms, drawing Swords, beating Drums, or by any other Means whatsoever, occasion false Alarms, in Camp, Garrison, or in Quarters, shall suffer Death, or such other Punishment, as shall be inflicted by the Sentence of a General Court-martial.

ARTICLE X.

Any Officer or Soldier, who shall, without urgent Necessity, or without the Leave of his superior Officer, quit his Pelotatoon or
d Division,

Division, shall * be punished according to the Nature of his * Suffer
Offence, by the Sentence of a Court-martial. Death, or such
other Punish-
ment as shall
be inflicted up-
on him.

A R T I C L E X I.

No Officer or Soldier shall do Violence to any Person who brings Provisions, or other Necessaries, to the Camp, Garrison, or Quarters of Our Forces employed in Foreign Parts, on Pain of Death.

A R T I C L E X II.

Whatsoever Officer or Soldier shall misbehave himself before the Enemy, or shamefully abandon any Post committed to his Charge, or shall speak Words inducing others to do the like, shall suffer Death.

A R T I C L E X III.

Whatever Officer or Soldier shall misbehave himself before the Enemy, and run away, or shamefully abandon any Fort, Post, or Guard, which he or they shall be commanded to defend, or speak Words inducing others to do the like; or who, after Victory, shall, instead of pursuing the Enemy, quit his Commanding Officer, or Post, to plunder and pillage; every such Offender, being duly convicted thereof, shall be reputed a Disobeyer of Military Orders; and shall suffer Death, or such other Punishment, as by a General Court-martial shall be inflicted on him.

A R T I C L E X IV.

Whosoever shall cast away his Arms or Ammunition, shall suffer Death, or such Punishment as by a Court-martial shall be inflicted on him.

A R T I C L E X V.

Whosoever shall make known the Watch Word to any Person who is not intitled to receive it, according to the Rules and Discipline of War, or shall presume to give a Parole or Watch Word, different from what he received, shall suffer Death, or such other Punishment as shall be inflicted upon him by a General Court-martial.

A R T I C L E X VI.

All Officers and Soldiers are to behave themselves orderly in Quarters, and on their March; and whoever shall commit any Waste or Spoil, either in Walks of Trees, Parks, Warrens, Fish-
ponds,

ponds, Houses, or Gardens, Corn-fields, Inclosures, or Meadows, or shall maliciously destroy any Property whatever belonging to any of Our Subjects, unless by Order of the then Commander in Chief of Our Forces, to annoy Rebels, or other Enemies in Arms against Us, he or they that shall be found guilty of offending herein, shall (besides such Penalties as they are liable to by Law) be punished according to the Nature and Degree of the Offence, by the Judgement of a Regimental or General Court-martial.

A R T I C L E XVII.

Whosoever shall force a Safe-guard, shall suffer Death.

A R T I C L E XVIII.

Whosoever shall relieve the Enemy with Money, Victuals, or Ammunition, or shall knowingly harbour or protect an Enemy, shall suffer Death.

A R T I C L E XIX.

Whosoever shall be convicted of holding Correspondence with, or giving Intelligence to the Enemy, either directly or indirectly, shall suffer Death.

A R T I C L E XX.

All publick Stores taken in the Enemies Camp, Towns, Forts, or Magazines, whether of Artillery, Ammunition, Clothing, Forage, or Provisions, shall be secured for Our Service; for the Neglect of which Our Commanders in Chief are to be answerable.

A R T I C L E XXI.

If any Officer or Soldier shall leave his Post or Colours to go in Search of Plunder, he shall, upon being convicted thereof before a General Court-martial, suffer Death.

A R T I C L E XXII.

If the Governor or Commander of any Garrison, Fortrefs, or Post, shall be compelled by the Officers or Soldiers under his Command to give it up to the Enemy, or to abandon it, the Commissioned Officers, Non-commissioned Officers, or Soldiers, who shall be convicted of having so offended, shall suffer Death, or such other Punishment as may be inflicted upon them by the Sentence of a Court-martial.

A R T I C L E XXIII.

All Suttlers and Retainers to a Camp, and all Persons whatsoever serving with Our Armies in the Field, though no enlisted Soldiers, are to be subject to Orders, according to the Rules and Discipline of War.

A R T I C L E XXIV.

Officers having Brevets, or Commissions of a prior Date to those of the Regiments in which they now serve, may take Place in Courts-martial and on Detachments, when composed of different Corps, according to the Ranks given them in their Brevets, or Dates of their former Commissions; but in the Regiment, Troop, or Company, to which such Brevet Officers, and those who have Commissions of a prior Date, do belong, they shall do Duty, and take Rank both on Courts-martial, and on Detachments, which shall be composed only of their own Corps, according to the Commissions by which they are mustered in the said Corps.

A R T I C L E XXV.

If upon Marches, Guards, or in Quarters, any of Our Troops of Horse Guards, Grenadier Guards, or Regiment of Horse Guards, shall happen to join or do Duty together, the eldest Officer by Commission there, on Duty or in Quarters, shall command the Whole, and give out Orders for what is needful to Our Service; Regard being always had to the several Ranks of those Corps, and the Posts they usually occupy.

A R T I C L E XXVI.

And in like manner also, if any Regiments, Troops, or Detachments, of Our Horse or Foot Guards, shall happen to march with, or to be encamped or quartered with any Bodies or Detachments of Our other Troops, the eldest Officer, without respect to Corps, shall take upon him the Command of the Whole, and give the necessary Orders to Our Service.

A R T I C L E XXVII.

When Our Regiments of Foot Guards, or Detachments from Our said Regiments, shall do Duty together, unmixed with other Corps, they shall be considered as One Corps; and the Officers shall take Rank and do Duty according to the Commissions by which they are mustered.

F

S E C T.

S E C T. XV.

Administration of Justice.

A R T I C L E I.

A General Court-martial shall not consist of less than Thirteen Commissioned Officers, nor shall the President be under the Rank of a Field Officer, or the Officer commanding in the Garrison where such Courts-martial shall be held (except as to General Courts-martial held in Places beyond the Seas, where there is no Civil Judicature.)

A R T I C L E II.

A General Court-martial held in Places beyond the Seas, where there is no Civil Judicature, may consist of a less Number than Thirteen Commission Officers (where all that can be conveniently assembled do not amount to that Number) but such General Courts-martial shall not consist of less than Three Commission Officers, and the President of such General Courts-martial shall not be under the Degree of a Captain ; and the Judgement, given by such General Courts-martial, shall be by Plurality of Voices.

A R T I C L E III.

Whereas these Our Rules and Articles are to be observed by, and do in all Respects regard our Troops and Regiments of Horse and Foot Guards, as well as Our other Forces ; and that several Disputes have arisen and may arise between the Officers of Our Horse and Foot Guards, in relation to their holding of Courts-martial, and also among the Officers of Our Troops of Horse Guards, Grenadier Guards, and Regiment of Horse Guards, on that and other Points of Duty : We do therefore herein declare it to be Our Will and Pleasure, That when any Officer or Soldier belonging to Our said Troops of Horse Guards, Grenadiers, or Regiment of Horse Guards, shall happen to be brought to a General Court-martial, for Differences arising purely among themselves, or for Crimes relating to Discipline, or Breach of Orders, such Court-martial shall be composed of Officers serving in any or all of those Corps of Horse Guards (as they may then happen to lie for their being most conveniently assembled) where the Officers are to take Post according to the Dates and Degrees of Rank granted them in their respective Commissions, without regard to the Seniority of Corps, or other formerly pretended Privileges.

A R T I C L E

ARTICLE IV.

In like manner also, the Officers of Our Three Regiments of Foot Guards, when appointed to hold Courts-martial for Differences or Crimes as aforesaid, shall of themselves compose Courts-martial, and take Rank according to their Commissions: But for all Disputes or Differences which may happen between Officers or Soldiers belonging to Our said Corps of Horse Guards, and other Officers and Soldiers belonging to Our Regiments of Foot Guards, or between any Officers or Soldiers belonging to either of those Corps of Horse or Foot Guards, and Officers and Soldiers of Our other Troops, the Courts-martial to be appointed in such Cases shall be equally composed of Officers belonging to the Corps in which the Parties complaining, and complained of, do then serve; and the President to be ordered by Turns, beginning first by an Officer of One of Our Troops of Horse Guards, and so on in Course out of the other Corps.

ARTICLE V.

The Members both of General and Regimental Courts-martial shall, when belonging to different Corps, take the same Rank which they hold in the Army; but when Courts-martial shall be composed of Officers of one Corps, they shall take their Ranks according to the Dates of the Commissions by which they are mustered in the said Corps.

ARTICLE VI.

The Judge Advocate General, or some Person deputed by him, shall prosecute in His Majesty's Name; and in all capital Cases administer to each Member the following Oaths:

ARTICLE VII.

YOU shall well and truly try and determine, according to your Evidence, in the Matter now before you, between Our Sovereign Lord the King's Majesty, and the Prisoner to be tried.

I A. B. do swear, That I will duly administer Justice according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act of Parliament now in Force, for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise, which is not explained by the said Articles, or Act of Parliament, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases. And I do

I do further swear, That I will not divulge the Sentence of the Court, until it shall be approved by His Majesty, the General, or Commander in Chief; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial.

A R T I C L E VIII.

All the Members of a Court-martial are to behave with Decency; and, in the giving of their Votes, are to begin with the Youngest.

A R T I C L E IX.

All Persons, who give Evidence before a General Court-martial, are to be examined upon Oath; nor shall any Criminal be condemned to die, excepting by a Majority of at the least Nine of the Members then present; excepting General Courts-martial held in Places beyond the Seas, where there is no Civil Judicature, and consisting of a less Number than Thirteen Commissioned Officers, wherein Judgement shall be given by Plurality of Voices.

A R T I C L E X.

No Field Officer shall be tried by any Person under the Degree of a Captain; nor shall any Proceedings or Trial be carried on, excepting between the Hours of Eight in the Morning, and of Three in the Afternoon; **except in Cases which require an immediate Example.**

A R T I C L E XI.

No Sentence of a General Court-martial shall be put in Execution, till after a Report shall be made of the whole Proceedings to Us, or to Our General Commander in Chief, and Our or his Directions shall be signified thereupon; excepting in *Ireland*, where the Report is to be made to the Lord Lieutenant, or to Our Chief Governor or Governors of that Kingdom, and his or their Directions be received thereupon.

A R T I C L E XII.

For the more equitable Decision of Disputes which may arise between Officers and Soldiers belonging to different Corps, whether they be Our Troops, or Regiments of Horse Guards, Our Three Regiments of Foot Guards, or Our other Regiments of Horse or Foot, We direct, That the Courts-martial shall be equally composed of Officers belonging to the Corps in which the Parties in Question do then serve; and that the Presidents shall be taken
by

by Turns, beginning with that Corps which shall be the eldest in Rank.

A R T I C L E XIII.

The Commissioned Officers of every Regiment may, by the Appointment of their Colonel or Commanding Officer, hold Regimental Courts-martial, for the inquiring into such Disputes, or Criminal Matters, as may come before them, and for the inflicting corporal Punishments for small Offences; and shall give Judgment by the Majority of Voices: But no Sentence shall be executed till the Commanding Officer (not being a Member of the Court-martial) or the Governor of the Garrison shall have confirmed the same.

A R T I C L E XIV.

No Regimental Court-martial shall consist of less than Five Officers, excepting in Cases where that Number cannot be conveniently assembled, when Three may be sufficient; who are likewise to determine upon the Sentence by the Majority of Voices; which Sentence is to be confirmed by the Commanding Officer, not being a Member of the Court-martial.

A R T I C L E XV.

Every Officer commanding in any of Our Forts, Castles, or Barracks, or elsewhere, where the Corps under his Command consists of Detachments from different Regiments, or of Independent Companies, may assemble Courts-martial for the Trial of Offenders, in the same Manner as if they were Regimental: whose Sentence is not to be executed, till it shall be confirmed by the said Commanding Officer.

A R T I C L E XVI.

No Commissioned Officer shall be cashiered, or dismissed from Our Service, excepting by an Order from Us, or by the Sentence of a General Court-martial, approved by Us, or by such General or Commander in Chief, who shall, by Our Authority, appoint the same to be held; but Non-commissioned Officers may be discharged as private Soldiers, and may, by the Order of the Colonel of the Regiment, or by the Sentence of a Regimental Court-martial, be reduced to private Centinels.

A R T I C L E XVII.

No Person whatsoever shall use menacing Words, Signs, or Gestures, in the Presence of a Court-martial then sitting, or shall
G
cause

cause any Disorder or Riot, so as to disturb their Proceedings, on the Penalty of being punished at the Discretion of the said Court-martial.

A R T I C L E XVIII.

To the end that Offenders may be brought to Justice, We hereby direct, That whenever any Officer or Soldier shall commit a Crime deserving Punishment, he shall, by his Commanding Officer, if an Officer, be put in Arrest; if a Non-commission Officer or Soldier, be imprisoned, till he shall be either tried by a Court-martial, or shall be lawfully discharged by a proper Authority.

A R T I C L E XIX.

No Officer or Soldier, who shall be put in Arrest, or imprisoned, shall continue in his Confinement more than Eight Days, or till such Time as a Court-martial can be conveniently assembled.

A R T I C L E XX.

No Officer commanding a Guard, or Provost-martial, shall refuse to receive, or keep any Prisoner committed to his Charge by any Officer belonging to Our Forces; which Officer shall, at the same Time, deliver an Account in Writing, signed by himself, of the Crime with which the said Prisoner is charged.

A R T I C L E XXI.

No Officer commanding a Guard, nor Provost-martial, shall presume to release any Prisoner committed to his Charge, without proper Authority for so doing; nor shall he suffer any Prisoner to escape, on the Penalty of being punished for it by the Sentence of a Court-martial.

A R T I C L E XXII.

Every Officer or Provost-martial, to whose Charge Prisoners shall be committed, is hereby required within Twenty four Hours after such Commitment, or as soon as he shall be relieved from his Guard, to give in Writing to the Colonel of the Regiment to whom the Prisoner belongs (where the Prisoner is confined, upon the Guard belonging to the said Regiment, and that his Offence only relates to the Neglect of Duty in his own Corps) or to the Commander in Chief, their Names, their Crimes, and the Names of the Officers who committed them, on the Penalty of being punished for his Disobedience or Neglect, at the Discretion of a Court-martial.

A R T I C L E

ARTICLE XXIII.

If any Non-commissioned Officer or Soldier, committed to Prison, shall break thence, and endeavour to escape Punishment, he shall be punished as a Deserter, and suffer Death, or such other Punishment as shall be inflicted by a General Court-martial.

ARTICLE XXIV.

And if any Officer under Arrest shall leave his Confinement, before he is set at Liberty by the Officer who confined him; or by a superior Power, he shall be cashiered for it.

ARTICLE XXV.

Whatsoever Commissioned Officer shall be convicted before a General Court-martial, of behaving in a scandalous infamous Manner, such as unbecoming the Character of an Officer and a Gentleman, shall be discharged from Our Service.

SECT. XVI.

Entry of Commissions.

ALL Commissions granted by Us, or by any of Our Generals having Authority from Us, shall be entered in the Books of Our Secretary at War, and Commissary General, otherwise they will not be allowed of at the Musters.

SECT. XVII.

Half Pay.

ARTICLE I.

NO Officer, who shall, by way of Exchange, or otherwise, go upon the Half-Pay, in the Place of a reduced Officer, shall be thereby intitled to any higher Rank or Preferment in Our Army, otherwise than from the Rank in which he last served.

ARTICLE

ARTICLE II.

All Half-Pay Officers are equally subject to Discipline, and to be commanded, whenever the Good of Our Service shall require their Attendance, as if they were actually upon Full Pay.

SECT. XVIII.

Effects of the Dead.

ARTICLE I.

WHEN any Commissioned Officer shall happen to die, or be killed, in Our Service, the Major of the Regiment, or the Officer doing the Major's Duty in his Absence, shall immediately secure all his Effects or Equipage then in Camp, or in Quarters; and shall before the next Regimental Court-martial make an Inventory thereof, to the end that his Executors may, after the Payment of his Debts in Quarters, and Interment, receive the Overplus, if any be, to his or their Use.

ARTICLE II.

When any Non-commissioned Officer or private Soldier shall happen to die, or to be killed, in Our Service, the then Commanding Officer of the Troop or Company shall, in the Presence of Two other Commissioned Officers, take an Account of whatever Effects he dies possessed of, above his Regimental Clothing, Arms, and Accoutrements; which said Effects are to be accounted for to his lawful Heirs, as is above directed.

SECT. XIX.

Artillery.

ARTICLE I.

ALL Officers, Conductors, Gunners, Matrosses, Drivers, or any other Persons whatsoever, receiving Pay or Hire in the Service of Our Artillery, shall be governed by the aforesaid Rules or Articles, and shall be subject to be tried by Courts-martial in like Manner with the Officers and Soldiers of Our other Troops.

A R T I C L E II.

For Differences arising amongst themselves, or in Matters relating solely to their own Corps, the Courts-martial may be composed of their own Officers; but where a Number sufficient of such Officers cannot be assembled, or in Matters wherein other Corps are interested, the Officers of Artillery shall sit in Courts-martial with the Officers of Our other Corps, taking their Ranks according to the Dates of their respective Commissions, and no otherwise.

S E C T. XX.

Relating to the foregoing Articles.

A R T I C L E I.

TH E foregoing Articles are to be read and published once in every Two Months at the Head of every Regiment, Troop, or Company, mustered, or to be mustered, in Our Service; and are to be duly observed, and exactly obeyed, by all Officers and Soldiers who are or shall be in Our Service, excepting in what relates to the Payment of Soldiers Quarters, and to Carriages, which is in Our Kingdom of *Ireland* to be regulated by the Lord Lieutenant, or Chief Governor or Governors thereof, and in Our Islands, Provinces, and Garrisons beyond the Seas, by the respective Governors of the same, according as the different Circumstances of the said Islands, Provinces, or Garrisons, may require.

A R T I C L E II.

Notwithstanding its being directed in the Eleventh Section of these Our Rules and Articles, that every Commanding Officer is required to deliver up to the Civil Magistrate all such Persons under his Command, who shall be accused of any Crimes which are punishable by the known Laws of the Land, yet in Our Garrison of *Gibraltar*, Island of *Minorca*, Forts of *Placentia* and *Annapolis Royal*, where Our Forces now are, or in any other Place beyond the Seas, to which any of Our Troops may be hereafter commanded, and where there is no Form of Our Civil Judicature in Force, the Generals or Governors, or Commanders respectively, are to appoint General Courts-martial to be held, who are to try all Persons guilty of wilful Murder, Theft, Robbery, Rapes, Coining, or Clipping the Coin of Great Britain,

or of any foreign Coin, current in the Country or Garrison, and all other Capital Crimes or other Offences, and punish Offenders according to the known Laws of the Land, or as the Nature of their Crimes shall deserve.

A R T I C L E III.

* such.

All * Crimes, not Capital, and all Disorders, or Neglects, which Officers and Soldiers may be guilty of, to the Prejudice of good Order and Military Discipline (though not mentioned in the above Articles of War) are to be taken Cognizance of by a General Court-martial, and to be punished at their Discretion.

G. R.

*Alterations in the Articles of War, for
the Year 1749.*

SECTION II.

Art. V. P. 8. Line 10.

After (*Weapon*) are inserted (*or offer any Violence;*) and after (*him*) the Words (*being in the Execution of his Office*) are inserted.

Line 11. (*Orders*) is left out, and instead thereof (*any lawful Command of his superior Officer*) inserted.

SECTION VII.

Art. I. P. 18. Line 16.

The Words (*of Imprisonment*) left out, and instead thereof (*If an Officer, of being put in Arrest, if a Soldier, imprisoned*) inserted.

Art. II. P. 18. Line last.

After (*to*) the Words (*Fight a Duel*) are inserted.

P. 19. Line 1.

Left out (*promote a Quarrel or Duel;*) and after (*upon*) the Word (*the*) left out.

Art. III. P. 19. Line 13.

After (*Seconds*) the Word (*Promoters*) inserted.

SECTION XIV.

Art. IV. P. 35. Line 13.

After (*No*) is inserted (*Officer.*)

Art. X. P. 38. Line 2.

The Words (*suffer Death, or such other Punishment as shall be inflicted upon him by the Sentence of a Court-martial*) are left out; and instead thereof, the Words (*be punished according to the Nature of his Offence by the Sentence of a Court-martial*) are inserted.

Note, The Numbers here used refer to the Pages and Lines of the Articles of War for 1748, printed by Authority.

SECTION

SECTION XV.

Art. X. P. 50. Line 7.

After (*Afternoon*) the Words (*except in Cases which require an immediate Example*) are inserted.

SECTION XX.

Art. II. P. 61. Line 5.

Left out from the Word (*to*) to the End; and instead thereof, the Words (*try all Persons guilty of wilful Murder, Theft, Robbery, Rapes, Coining, or Clipping the Coin of Great Britain, or of any Foreign Coin current in the Country or Garrison, and all other Capital Crimes, or other Offences, and punish Offenders according to the known Laws of the Land, or as the Nature of their Crimes shall deserve*) are inserted.

Art. III. . . . Line 8.

The Word (*such*) is left out; and after (*Crimes*) the Words (*not Capital, and all*) are inserted.

